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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,459	07/27/2000	STEPHAN SCHMITZ	10191/1452	7359
26646	7590	06/24/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,459

Applicant(s)

SCHMITZ ET AL.

Examiner

Jacob Lipman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements submitted 17 March 2005 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being anticipated by Abraham et al., US Patent number 5,745,576 in view of Kousa, US Patent number 4,797,672.

With regard to claim 10, Abraham discloses a base station (controller) including a computer (column 12 lines 13-47) that transmits a prompt (column 9 lines 56-61, column 10 lines 56-59), and a remote control device (terminal, column 1 lines 13-15) which stores the prompt (column 9 lines 21-24, column 10 lines 60-62), and transmits a code word as a reply (column 9 lines 24-30, column 10 lines 63-64) that is partially a function of the prompt (column 9 lines 24-26, column 10 lines 64-65), the base station receives the reply and compares it with the required reply (column 10 lines 66-67), and grants access accordingly (column 11 lines 1-3). Abraham does not, however disclose that an initial stored prompt from an successful prompt/reply cycle is used to encrypt the authorization information. Kousa discloses that often an encrypted exchange will be preceded by a key exchange to create a session key to use in further authentications

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(column 2 lines 3-10). It is further added that the examiner takes official notice that key exchange to begin a session is well known in the art. It would have been obvious for one of ordinary skill in the art to use key exchange preceding Abraham to prevent eavesdropping.

With regard to claim 11, Abraham discloses the response is a function of the terminal's serial number (column 9 lines 24-28).

With regard to claim 12, Abraham discloses the challenge is stored in the base system (column 9 lines 56-59).

With regard to claim 13, Abraham discloses the system of claim 12, as outlined above, but does not mention abandoning the process after a specific number of failed attempts. The examiner takes official notice that it is well known in the art to check failed attempts to connect, and to abandon an access process after a predetermined number of failures. It would have been obvious for one of ordinary skill in the art to use this check in Abraham's system to avoid eternal loops, and to increase security against hacking.

With regard to claim 14, Abraham discloses the reply includes a transaction count (column 9 lines 24-26), which is tracked (column 10 lines 22-24).

With regard to claim 15, Abraham discloses the count is changed (column 31-35).

With regard to claim 16, Abraham discloses the counter code has been previously transmitted to the base station (column 9 lines 42-46).

With regard to claim 17, Abraham discloses the counter code is encrypted (column 9 lines 24-26).

With regard to claim 18, Abraham discloses the system of claim 10, as outlined above, but does not mention wireless communication or frequencies. The examiner takes official notice that it is well known in the art to have different wireless device working on different frequencies. It would have been obvious for one of ordinary skill in the art to use Abraham's system in a wireless environment with different frequencies to avoid interference and allow mobility.

Claims 10-18 are rejected under 35 U.S.C. 103(a) as being anticipated by Schneier in Applied Cryptography.

With regard to claims 10-12, Schneier discloses public key exchange to create a session key (page 49). This session key is partially formed as a function of the prompt (a public key), and all further communications use it. Schneier does not disclose that the further communication is authentication. The examiner takes official notice that authentication by encrypting a unique identifier is well known in the art. It would have been obvious to one of ordinary skill in the art to authenticate a machine by encrypting its serial number with a session key.

With regard to claims 13-18, the examiner takes official notice that session keys are temporary, and it is well known to keep count of their uses. It would have been obvious for one of ordinary skill in the art to keep count of transitions to know when to expire the session key and increase security by restricting prolonged access.

Response to Arguments

Applicant's arguments filed 4 April 2005 have been fully considered but they are not persuasive.

Although applicant has shown how Abraham differs from applicant's invention, the claims remain broad. The examiner wishes to emphasize that claim 10 reads on a public key exchange, followed by authentication. In a key exchange keys are exchanged to create a session key. This session key is partially formed as a function of the prompt, and all further communications use it, including further authentications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

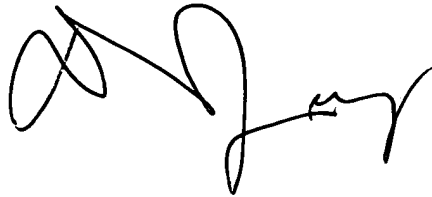
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JL

David Y. Jung
Primary Examiner

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